

Message

From: Gordon, Lisa Perras [Gordon.Lisa-Perras@epa.gov]
Sent: 9/14/2020 5:20:53 PM
To: Bouma, Stacey [Bouma.Stacey@epa.gov]; Able, Tony [Able.Tony@epa.gov]
Subject: RE: GA Narrative Example - DRAFT EMAIL FOR INPUT

In the meeting, I told JG that we always work with states to get them to interpret their narrative prior to approval, including implementation, with KY being a recent example. I told JG we sent that example to EPD. JG asked to see what we sent the state, which is what I sent you. EPD never showed any interest in KY's example – but it was just to show JG that we tried. To be honest, I'm not sure its hugely relevant to this narrative, as the narratives are so different. It was a process example.

Do you want me to try to find the other documents relating to KY's narrative? They may not be electronically available, but I can check with Joel.

From: Bouma, Stacey <Bouma.Stacey@epa.gov>
Sent: Monday, September 14, 2020 12:39 PM
To: Able, Tony <Able.Tony@epa.gov>
Cc: Gordon, Lisa Perras <Gordon.Lisa-Perras@epa.gov>
Subject: FW: GA Narrative Example - DRAFT EMAIL FOR INPUT

Tony, here are my suggested edits. I think I'm missing something. Where's our request to KY for more info and then their response. I would think that is what we need rather than their response and then our decision document. Did we not send that to GA versus the DD?

Jeananne: See attached examples of what we provided to GA when we explained we needed more info from them on how they will interpret "unreasonably." KY's letter and our approval would show Mary that we work with states to document new narrative changes under Section 131.6. *[I think it would be better if we could say our request for additional information and then KY's response are what we could provide to the RA to show our work with states to document new narrative changes under Section 131.6]*

Specifically, we sent to EPD this example of how KY interpreted their nutrient narrative criteria. In meeting with GA, staff noted that we couldn't provide exact info on what GA needed to submit, because that would involve us interpreting the standard for them. The regulations require that the state needs to provide what methods and analysis they used and the information on how it protects the designated use. After this meeting, we sent GA a Section 131.6 letter (Oct 2018) that further clarified that they should include the required information for each of the parameters (e.g. oil, scum, color, turbidity, odor from municipal and industrial sources). The information on oil, for instance, could be very different from an analysis on odor.

If you are interested in the timeline of this KY example – The relevance here is that in this process KY clarified their Narrative.

2013 – EPA approved KY's Narrative without ESA section 7 consultation with FWS (then we were challenged)

2015 April – As part of the settlement, EPA sent a BE to FWS

2015 June – KY responded with more info on interpretation of the Narrative *[was this based on requested info from FWS]*

2015 Sept – EPA received FWS concurrence on the BE

2016 Jan 11 – EPA decision remanded back to EPA *[I don't really understand this; is it necessary or can this line be deleted and go to reaffirming letter]*

2016 Jan 20 - EPA letter reaffirming its approval of the Narrative

From: Able, Tony <Able.Tony@epa.gov>

Sent: Monday, September 14, 2020 11:56 AM

To: Gordon, Lisa Perras <Gordon.Lisa-Perras@epa.gov>; Bouma, Stacey <Bouma.Stacey@epa.gov>

Subject: FW: GA Narrative Example

This is what I plan to send to JMG on this. Do you have any edits before I send it?

Jeaneanne: See the attachments. KY's letter and our approval would show Mary that we work with states to document new narrative changes under 131.6. It is an example of what we gave GA when we said we needed more info from them on how they will interpreted "unreasonably"

It is the example that we sent to EPD of how KY interpreted their nutrient narrative criteria. In meeting with EPD, we noted that we couldn't provide exact info on what Georgia needed to submit, because that would involve us interpreting the standard for them. The regulations require that the State needed to provide what methods and analysis they used and the information on how it protects the designated use. In EPA's October 2018, Section 131.6 letter that we sent to the State, we further clarified that they should include the required information for each of the parameters (e.g. oil, scum, color, turbidity, odor from municipal and industrial sources), so that they could be sure to include that, as well. The information on oil, for instance, could be very different from an analysis on odor. Lisa

If you are interested in the timeline of this KY example – **The relevance here is that in this process KY clarified their Narrative.**

2013 – We approve KY's Narrative without section 7 consultation with FWS – and were challenged.

2015 April – As part of the settlement, we sent a BE to the FWS

2015 June – Ky responded with more information on interpretation of the Narrative

2015 Sept. – We got FWS concurrence on the BE

2016 Jan. 11 – EPA decision remanded back to EPA

2016 Jan 20 - EPA letter reaffirming its approval of the Narrative

Lisa Perras Gordon
Clean Water Act and Hydrologic Alteration Coordinator
U.S. Environmental Protection Agency Region 4
Atlanta, GA
404.562.9317
gordon.lisa-perras@epa.gov